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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/822,189	04/02/2001	Akio Saito	35.C15267	7310

5514 7590 08/24/2004

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NEW YORK, NY 10112

EXAMINER

TRAN, TRAN U

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 08/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/822,189

Applicant(s)

SAITO, AKIO

Examiner

Trang U. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 25-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

Applicant's submission filed on June 18, 2004 has been entered.

Response to Arguments

2. Applicant's arguments filed May 17, 2004 have been fully considered but they are not persuasive.

In re page 7, applicant argues that nothing in LaJoie et al would teach or suggest a setting screen for setting program information display parameters is displayed for changing a display configuration of the program information for the second program, as recited in claim 25.

In response, the examiner respectfully disagrees. LaJoie et al disclose in col. 20, lines 9-52 that: " within general settings menu 224, the user may control settings such as blocked channels 228, favorite channels 230, VCR timer 232, IPPV purchases 234, sleep timers 236, and wake timers 238. **Other settings available in general settings menu 224, but not illustrated, include reminder timers, view all timers, block times, setup blocking PIN, setup purchase PIN, set power-on channel, enable Second Audio Program (SAP), set audio output level, set AC outlet function, set VCR type, set clock options, control**

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VCR on/off, and enable watch and record, for example. Similarly to channel settings menu 190 (Fig. 9), the user selects the desired setting by positioning the desired setting 228, 230, 232, 234, 236, or 238 within a cursor 226 using up and down arrow keys 128, as is indicated by up and down arrow indicators 240 and 242". From the above passage, it is clear that LaJoie et al indeed disclose the newly added limitation "a setting screen for setting program information display parameters is displayed for changing a display configuration of the program information for the second program", as recited in claim 25.

In re page 8, applicant argues that LaJoie et al fails to discuss the situation of a change in channels occurring at a time when the new channel is displaying a commercial image. Accordingly, applicant submits that nothing has been found in LaJoie et al would teach or suggest that in response to a change from the first program to a second program, program information for the second program derived from the inputted program information data, together with video images of the second program derived from the inputted program information data are displayed on the display device, even in the case that the video images of the second program are images of a commercial video image, as recited in claim 34.

In response, the examiner respectfully disagrees. The displayed television inherently has commercial and a browse information banner displayed for a fix period of time (e.g., 20 seconds). The information banner displayed for a fix period of time (e.g., 20 seconds) will not be terminated if the commercial suddenly displays during the fix period of time (e.g., 20 seconds). Therefore, the

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browse information banner will be displayed with the commercial video image as required by claim 34.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 25-34 are rejected under 35 U.S.C. 102(b) as being anticipate by LaJoie et al (US Patent No. 5,850,218).

In considering claim 25, LaJoie et al discloses all the claimed limitations, noted 1) the claimed inputting video data and program information data into an apparatus is met by the in-band tuner 41, an out-of-band tuner 42, and an out-of-band transmitter 43 (Fig. 3, col. 13, lines 6-21), 2) the claimed displaying video images of a first program derived from the inputted video data on a display device is met by the television display 100 which has the information banner 124 and 126 (Fig. 4, col. 15, lines 10-56), 3) the claimed displaying on the display device, in response to a change from the first program to a second program, program information for the second program derived from the inputted program information data, together with video images for the second program derived from the inputted video data is met by the channel selection function and the display screens 106 and 108 (Fig. 4, col. 15, line 10 to col. 16, line 9), 4) the claimed displaying a setting screen for setting program information display

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parameters, for changing a display configuration of the program information for the second program is met by a channel setting menu 190 and a general setting menu 224 (Figs. 9 and 10, col. 19, line 39 to col. 20, line 52), and 5) the claimed wherein the program information is displayed on the display device in accordance with the program information display parameters set using the setting screen is met channel setting menu 190 and general setting menu 224 (Figs. 8-9 and 10, col. 19, line 29 to col. 20, line 52).

In considering claim 26, the claimed a reception step, of receiving transport stream data transmitted by digital television broadcasting is met by MPEG-2 transport stream (Fig. 3, col. 14, lines 31-39), and the claimed a deriving step, of deriving the video data from the transport stream data received in said reception step is met by MPEG-2 decompress unit 33 (Fig. 3, col. 14, lines 31-39).

In considering claim 27, the claimed a reception step, of receiving transport stream data transmitted by digital television broadcasting is met by MPEG-2 transport stream (Fig. 3, col. 14, lines 31-39), and the claimed a deriving step, of deriving the program information data from the transport stream data received in said reception step is met by the current channel's channel number 116, the current channel's call sign 118, current time 120, the current program's name 123, running time 125, and elapsed time 127 ("Fig. 4, col. 15, lines 10-35).

In considering claim 28, the claimed further comprising the step of storing in a memory the program information data derived in said deriving step, wherein

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the program information for the second program is derived from the program information data stored in the memory is met by the capability of displaying the current channel's channel number 116, the current channel's call sign 118, current time 120, the current program's name 123, running time 125, and elapsed time 127 (Fig. 4, col. 15, lines 10-35).

In considering claim 29, the claimed further comprising a manual setting step, of setting contents of the program information to be displayed in said program information displaying step is met by the general setting menu 224 (Fig. 10, col. 20, lines 9-36).

In considering claim 30, the claimed wherein said manual setting step includes setting at least one of a display timing, a display area, a display character size, a display method, a display speed, a number of display repetition, and display contents is met by the general setting menu 224 (Fig. 10, col. 20, lines 9-36).

In considering claim 31, the claimed wherein said program information display step includes displaying in response to turning on of the apparatus, the program information for the first program derived from the program information data, together with video images of the first program derived from the input video data is met by the capability of displaying the current channel's channel number 116, the current channel's call sign 118, current time 120, the current program's name 123, running time 125, and elapsed time 127 (Fig. 4, col. 15, lines 10-35).

In considering claim 32, the claimed wherein said program information display step includes displaying program information for the second program on

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the display device in response to a broadcast end of the first program, followed by a broadcast of the second program and display of the video images of the second program is also met by the capability of displaying the current channel's channel number 116, the current channel's call sign 118, current time 120, the current program's name 123, running time 125, and elapsed time 127 (Fig. 4, col. 15, lines 10-35).

In considering claim 33, LaJoie et al disclose all the limitations of the instant invention as discussed in claim 25, except for providing the claimed wherein said program information displaying step includes displaying video images of the second program derived from the input video data include commercial video images and, in response to a change from the first program to the second program, the program information for the second program is displayed on the display device together with the commercial video images is met by the channel selection function and the display screens 106 and 108 (Figs. 4 and 28, col. 15, line 10 to col. 16, line 9 and col. 30, line 65 to col. 32, line 55).

In considering claim 34, Alexander et al discloses all the claimed subject matter, note 1) the claimed inputting video data and program information data into an apparatus is met by is met by the in-band tuner 41, an out-of-band tuner 42, and an out-of-band transmitter 43 (Fig. 3, col. 13, lines 6-21), 2) the claimed displaying video images of a first program derived from the inputted video data on a display device is met by the television display 100 which has the information banner 124 and 126 (Fig. 4, col. 15, lines 10-56), and 3) the claimed displaying on the display device, in response to a change from the first program to a second

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program, program information for the second program derived from the inputted program information data, together with video images of the second program derived from the inputted video data, wherein, even in the case that the video images of the second program are images of a commercial video image, the program information is displayed together with the commercial video image is met by the channel selection function and the display screens 106 and 108 (Figs. 4 and 28, col. 15, line 10 to col. 16, line 9 and col. 30, line 65 to col. 32, line 55).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Alexander et al. (US Patent No. 6,177,931 B1) disclose system and methods for displaying and recording control interface with television programs, video, advertising information and program scheduling information.

Klosterman et al. (US Patent No. 6,469,753 B1) disclose information system.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trang U. Tran whose telephone number is (703) 305-0090. The examiner can normally be reached on 8:00 AM - 5:30 PM, Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on (703) 305-4795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


TRANGTUAN
PATENT EXAMINERTT
August 17, 2004